

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT COURT OF NEW YORK

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JOHN GORMAN,

Plaintiff,

-against-

Civil Case No.: 1:14-cv-434

RENSSELAER COUNTY, SHERRIFF JACK MAHAR, ANTHONY  
PATRICELLI, UNDERSHERRIF PATRICK RUSSO, COUNTY HUMAN  
RESOURCES MANAGER TOM HENDRY, COUNTY EXECUTIVE KATHLEEN  
JIMINO.

Defendant.

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**PLAINTIFFS DEPOSITION NOTICE MANAGERIAL EMPLOYEES**

PLEASE TAKE NOTICE that, pursuant to the Federal Rules of Civil Procedure 30 and 45, Plaintiff's Counsel will take the deposition upon oral examination of Dan Moran the Chairman of the Rensselaer County Civil Service Commission.

This deposition shall take place any time after November 9, 2015 but no later than December 1, 2015 by mutual agreement between counsel as to the time and date. This deposition shall take place in the city of Albany New York at the Office of Patrick Sorsby PLLC.

This deposition shall continue from day to day until completed, and will be recorded stenographically.

To:  
Kevin G. Martin,  
Attorney for Rensselaer County Defendants  
421 Broad St. Utica,  
New York 13501

Dated: October 9, 2015

LAW OFFICE OF PATRICK SORSBY

By Patrick Sorsby  
Patrick Sorsby  
Bar Roll No.: 517840  
Attorney for Plaintiff  
1568 Central Avenue  
Albany, NY 12208  
Phone: (518) 545-4529

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT COURT OF NEW YORK

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JOHN GORMAN,

Plaintiff,

**PLAINTIFFS SECOND REQUESTS  
FOR PRODUCTION TO  
DEFENDANT**

-against-

Civil Case No.: 1:14-cv-434

RENSSELAER COUNTY, SHERIFF JACK MAHAR,  
ANTHONY PATRICELLI, UNDERSHERIFF PATRICK  
RUSSO, COUNTY HUMAN RESOURCES MANGER  
TOM HENDRY, COUNTY EXECUTIVE KATHLEEN  
JIMINO,

Defendant.

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Plaintiff, John Gorman, by and through his counsel, Patrick Sorsby Esq., propounds the following discovery upon all Defendants, pursuant to rules 33 and 34 of the Federal Rules of Civil Procedure, and demands answers and production in response thereto within thirty 30 (days) of service. In these interrogatories and requests, the following definitions shall apply:

**DEFINITIONS**

- a. "Defendant" shall mean defendant, or any agent, employee or representative, including, without limitation, attorney thereof, private investigator, investigators of any nature of any other persons, partnerships or legal entities who are in possession of or who may have obtained information for or on behalf of the defendant.
- b. "Documents" shall mean any written, printed, typed, recorded or graphic matter, however produced, reproduced or stored, including but not limited to letter, telegrams, telephone messages, notices, note of conversations, memoranda, reports, agreements, diaries, minutes, recitations, statements, worksheets, abstracts, resumes, summaries, notes, jottings, market data, books, journals, ledgers, audits, charts, diagrams, drafts, research documents, newspapers, appointed books, desk calendars, expense reports, bills of lading, patents, invoices, delivery records, bills, checks, statements of account, purchase orders, test reports, photographs, tape recordings and video and audio records of every kind, computer programs and printouts, electronic data compilations, and any other means of recording information in plaintiff's possession, custody or control, or which exist or previously existed.

- (i) **Lost or destroyed documents:** If any document for which identification is requested was formerly in existence or in plaintiff's possession but no longer exists, or no longer is within plaintiff's possession, custody or control, plaintiff's identification of the document should include: (1) identification of the document and its author or addressee; (2) the date and circumstances of the document's loss or destruction; and (3) the reason or justification for such loss or destruction.
  - (ii) **Privileged documents:** If any privilege is claimed with respect to any document or communication requested herein, specifically identify the document or communication requested herein, specifically identify the document or communication and state the privilege claimed and the basis therefor.
- c. **"Produce"** shall mean produce the documents in their original or best available form within thirty (30) days of the service of the request herein at the Law Office of Patrick Sorsby PLLC, 1568 Central Avenue, Albany New York, 12205, and shall be attaching to the answers to the interrogatories and mailing them to the above indicated address.
- d. **"Identify"** with respect to documents shall mean state the author, addressee, persons copied, date, subject matter and document character (e.g., letter, memorandum, invoice), and shall refer to documents in the possession, control or custody of those persons defined as plaintiff as set forth in paragraph (a) above.
- e. **"Identify"** with respect to individuals shall mean to give the name and last known residence address of such individual, and the name and address of the last known place of business where such individual was or is employed.

#### **OMNIBUS DISCOVERY REQUESTS**

**1. DOCUMENT REQUEST NO. 1:**

For the period of January 1, 2013 to October 1, 2015 provide a list of all unfilled vacant positions with 1) the Rensselaer County Sheriff's Department and with 2) Defendant Rensselaer County.

**2. DOCUMENT/MEDIA REQUEST NO.2:**

Produce all communications including but not limited to phone recordings and transcripts, e-mails and other electronically stored information between Defendant Patricelli and Defendant Mahar regarding, mentioning, or relating to Plaintiff John Gorman.

**3. DOCUMENT/ MEDIA REQUEST NO. 3:**

Produce all communications, including but not limited to phone recordings and transcripts, e-mails and other electronically stored information to or from Defendant Patricelli regarding, mentioning, or relating to Plaintiff Gorman.

**4. DOCUMENT/ MEDIA REQUEST 4:**

Produce all communications, including but not limited to phone recordings and transcripts, e-mails and other electronically stored information to or from Defendant Mahar regarding, mentioning or related to Plaintiff John Gorman.

**5. DOCUMENT/ MEDIA REQUEST NO. 5:**

Identify and produce all communications including but not limited to phone recordings and transcripts, e-mails and other electronically stored information to or from Defendant Hendry regarding, mentioning or related to Plaintiff John Gorman.

**6. DOCUMENT/ MEDIA REQUEST NO. 6:**

Identify and produce all communications, including but not limited to phone recordings and transcripts, e-mails and other electronically stored information to or from Defendant Russo regarding, mentioning or related to Plaintiff John Gorman.

**7. DOCUMENT/ MEDIA REQUEST NO. 7:**

Identify and produce all communications including but not limited to phone recordings and transcripts, e-mails and other electronically stored information to or from Defendant Jimino regarding, mentioning or related to Plaintiff John Gorman.

**8. DOCUMENT / MEDIA REQUEST NO. 8:**

Identify and produce all communications, including e-mails and other electronically stored information to or from Civil Service Commission chairman Dan Moran regarding, mentioning or related to Plaintiff John Gorman.

**9. DOCUMENT/ MEDIA REQUEST NO. 9:**

Identify and produce all communications, including e-mails and other electronically stored information to or from any employee of the Defendant county that:

1. References, Mentions or states the name "John Gorman" or
2. References, Mentions or discusses any of the allegations of harassment made by Plaintiff Gorman in his complaint.
3. References, Mentions or discusses any alleged threat made by Defendant Patricelli against Plaintiff Gorman.
4. References, Mentions or discusses any alleged order by Defendant Mahar made to Ruth Vibert to Shred documents pertaining to Plaintiff Gorman .

**10. DOCUMENT/ MEDIA REQUEST NO. 10:**

Identify and produce all documents and communications including but not limited to phone recordings and transcripts, e-mails and other electronically stored information to or from Defendant Mahar which references, mentions or discusses an investigation conducted by Sheriff Jack Mahar into complaint filed by Master Sergeant Patricelli against Chief Ruth Vibert for allegedly sharing personal & confidential information with the Plaintiff about Defendant Patricelli.

**11. DOCUMENT/ MEDIA REQUEST NO. 11:**

Identify and produce the complaint by Defendant Patricelli against Ruth Vibert for allegedly sharing personal and confidential information.

**12. DOCUMENT/ MEDIA REQUEST NO. 12:**

Identify and produce a copy of the Defendant County's policy regarding Discrimination in the workplace which was in effect from 2013 through 2015.

**13. DOCUMENT / MEDIA REQUEST NO. 13:**

Identify and produce a copy of the Rensselaer County Sherriff's policy regarding Discrimination in the workplace which was in effect from 2013 through 2015.

**14. DOCUMENT/ MEDIA REQUEST NO. 14:**

Identify and produce a copy of the specify letter of recommendation, findings and or conclusion of the DCJS investigation and handling of the violation of the e-justice system by Patricelli.

**15. DOCUMENT / MEDIA REQUEST NO. 15:**

Identify and produce a copy of documents related to or describing the 1994 suspension of Defendant Patricelli for his misuse of his firearm.

**16. DOCUMENT / MEDIA REQUEST NO. 16:**

Identify and produce all documents related to or statements made by employee William Webster regarding his recommendation for discipline of Defendant Patricelli for his misuse of the E-justice system.

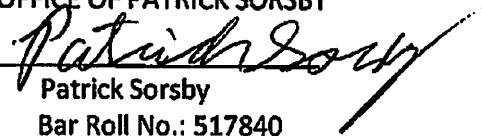
**17. DOCUMENT / MEDIA REQUEST NO. 17 :**

Identify and produce a certified copy of the recording from the Sheriffs vendor of the electronic stored media of a phone call from Defendant Patricelli to the jail transport sergeant's office at phone extension 1717 on October 8, 2013. This Audio tape was already provided but is not certified and has no attached log indicating who had access to the audio and when. Please provide a copy of this log.

DATED: October 9, 2015

LAW OFFICE OF PATRICK SORSBY

By



Patrick Sorsby

Bar Roll No.: 517840

Attorney for Plaintiff

1568 Central Avenue, Floor 1

Albany, NY 12205

Phone: (518) 456-4529

E-mail: sorsbylaw@gmail.com

TO:

Kevin G. Martin, Esq.

Bar Roll No. 505332

Attorney for Rensselaer County Defendants

421 Broad St. Utica, New York 13501